IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2071 OF 2007

Ramakant Muykund Patil ....Petitioner
V/s
Rekha Ramakant Patil & Anr. ....Respondents.

Mr.Dushyant Purekar, Adv. For the petitioner.

Mr.A.S.Shitole, APP For the State.

CORAM: A.P.DESHPANDE, J.
19/11/07

PC:

This writ petition takes an exception to a judgment and order passed by the 3rd Ad-hoc Additional Sessions Judge, Palghar which goes to dismiss the criminal revision filed by the present petitioner whereas goes to partly allow the revision filed by respondent-wife claiming maintenance under section 125 of Code of Criminal Procedure. The application claiming maintenance moved by the wife was resisted by the present petitioner on the ground that the respondent-wife was living in adultery and hence not entitled to any maintenance. The trial Court granted maintenance in the sum of Rs.400/- per month whereas the revisional court partly allowing the revision filed by the respondent-wife enhanced the amount of maintenance from Rs.400/- to Rs.700/-. It is this order which is assailed in the present writ petition. The present petitioner examined son Parag as witness to substantiate his contention that

the respondent-wife was living in adultery. The evidence of the son has been wholly disbelieved by the revisional court by observing that the minor son is staying with the father and has deposed what was tutored by his father. The learned counsel for the petitioner has submitted that Hindu Marriage writ petition filed by the present petitioner-husband seeking divorce on the ground of adultery has been dismissed and an appeal against the same is pending. Perused the judgment and order passed by the revisional court. The same takes possible view of the matter. It does not call for any interference in exercise of writ jurisdiction. Hence writ is summarily dismissed.

19.11.07